

The Honorable Kathy Hochul
Governor of New York State

April 15, 2024

Dear Governor Hochul,

We are writing to urge you to sign into law the legislation (A8866/ S8357) that bans drilling and fracking for natural gas and oil using carbon dioxide (CO₂). We appreciate your continuing leadership in protecting New York's environment and public health, for which this legislation is vital. We are pleased that the Assembly passed the bill with a bipartisan 98-50 vote on March 12 and the Senate passed it with a bipartisan 45-17 vote on March 20, and we ask that you swiftly sign the legislation to ensure New Yorkers are protected.

Our state's long-standing fracking ban prohibits the use of high volumes of water to extract gas. The legislature quickly passed this new legislation in response to a gas industry proposal to exploit a loophole and get around our state's fracking ban by using CO₂ instead of water. The bill that the legislature passed is thus very simple as it amends the fracking ban within the Environmental Conservation Law to include a prohibition on using CO₂. Drilling and fracking with CO₂ is an experimental, dangerous new method of shale gas extraction that must not be allowed in New York State.

Most of the same impacts associated with the entire drilling and fracking process occur whether water or CO₂ is used, and scientific research overwhelmingly finds risks and harms associated with these approaches. As you know, after studying the health and environmental impacts for years, the New York State Department of Environment Conservation and New York State Department of Health concluded in 2014 that drilling and fracking pose significant risks to people's health, air quality, drinking water, and the environment and it was banned. In 2020, as part of the Fiscal Year 2021 Budget, the Governor and legislature codified the fracking ban into law. Since then, [hundreds more peer-reviewed studies](#) further confirm and extend those findings.

The use of CO₂ to try to evade the state's fracking ban does not avoid the dangers and harms associated with the process. For example, as countless scientific studies about drilling and fracking [demonstrate](#), induced fractures are not controllable and could cause the CO₂ to migrate, in addition to naturally occurring heavy metals and radioactivity in the shale, which in turn threatens to contaminate our drinking water. Many studies show that drilling and fracking operations and infrastructure are inherently leaky, releasing methane that is disastrous for the climate along with air pollutants that endanger public health, including cancer-causing pollutants such as benzene and formaldehyde. Drilling and fracking for fossil fuels, along with pipelines, gas plants, truck trips, and other infrastructure, are contradictory to our climate law, the CLCPA.

High pressure CO₂ is itself very dangerous, and ruptured pipelines can result in asphyxiation and convulsions. This was tragically illustrated in Satartia, Mississippi in 2020 when a CO₂

pipeline exploded, leading to mass CO2 poisoning that [left 45 people hospitalized](#). Additionally, high pressure CO2 injection underground poses [significant risk of earthquakes](#), [corrosion of well casings](#), and [acidification of groundwater](#).

Drilling and fracking with CO2 would have the same threats to our water, air, health, and climate as hydraulic fracturing, along with additional dangers. The legislature was right to pass the bill to close the loophole and protect New Yorkers. Now we urge you to sign it into law.

Thank you.

Sincerely,

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